

### **REMARKS**

This is in response to the Decision on Appeal mailed 2/23/2010 and further in view of the Request for Continued Examination (RCE) submitted herewith. Applicants respectfully request reconsideration of the application in light of this Amendment and Request for Continued Examination filed herewith.

### **STATUS OF CLAIMS**

Claims 1-16 are pending.

Claims 5-8 and 10-13 are canceled via the current amendment.

Claims 1-4, 9 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent 7,274,671) in view of Bunton (U.S. Patent 5,151,697) and further in view of O'Neil (U.S. Patent 6,889,226).

### **REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent 7,274,671) in view of Bunton (U.S. Patent 5,151,697) and further in view of O'Neil (U.S. Patent 6,889,226). Rejections with regards to claims 5-8 and 10-13 are considered moot in light of their cancellation via the current amendment.

Hu provides for a technique for bitwise adaptive encoding wherein the technique leverages the frequency of an escape symbol for better compression. Bunton teaches an adaptive data compression scheme that uses a fixed size dictionary. O'Neil provides for a technique to represent hierarchical data in a non-hierarchical data structure, wherein the hierarchical data

(e.g., XML data) can be viewed as having a "tree" structure, and each node in the tree is assigned a position identifier that represents both the depth level of the node within the hierarchy, and its ancestor/descendant relationship to other nodes.

Applicants' claim 1 has been clarified as comprising the following steps: (a) converting a mark-up language document to a logical tree-based representation comprising a plurality of nodes, each node other than a root node having a local identifier, (b) choosing an initial base length of at least one byte with which to encode local identifiers of said nodes, (c) sequentially encoding each local identifier **other than said root node** in hexadecimal notation starting with an initial hexadecimal value and incrementing the initial hexadecimal value by said initial base length, (d) **adaptively extending said initial base length by at least one additional byte** upon exhausting all incremental hexadecimal values based on said initial base length, (e) **encoding at least one local identifier other than said root node and a node not encoded in step (c) based on said extended base length**, (f) assigning node identifiers to said plurality of nodes other than said root node by **concatenating encoded values** of local identifiers of all nodes along a path from said root node to a node to which a node identifier is currently being assigned, and (g) outputting and storing said node identifiers associated with said nodes of said mark-up language document in computer storage.

Applicants' independent claims 9 and 16 have also been clarified to recite many similar features.

Applicants wish to respectfully note that the Board of Patent Appeals and Interferences (BPAI), in response to Applicants arguments regarding “**concatenation of codes**” (see at least page 10 of the BPAI decision of 02/23/2010), stated that the claims as they stood did not recite or require a concatenation of codes.

To further clarify this point, Applicants have recited in each of the independent claims how the local identifiers are **sequentially encoded** and how the node identifiers are assigned based on a **concatenation of such encoded values** from a root node to a node that is currently being assigned a node identifier.

Applicants respectfully submit that the art of record fails to teach such encoding and concatenation of encoded values in the assignment of node identifiers of a mark-up language document, such as an XML document.

**SUMMARY**

As has been detailed above, none of the references provide for the specific claimed details of Applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this response has been timely filed, no request for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 09-0460.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicants' representative at the below number.

Respectfully submitted,

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